



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Sixth Meeting Day

Thursday Afternoon

January 12, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative David B. Yount.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson ☐
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell ☐
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle ☐	Whetstone
Hoffman	Wolkins ☐
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 13: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

[Journal Clerk's Note: roll calls 11 and 12 were machine tests.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 17, 2006 at 1:30 p.m.

HINKLE

Motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee, appointed to transmit to the Senate a resolution of this House to convene a joint convention of the two houses to receive the Chief Justice's message, hereby reports that it has discharged the duty assigned to it and that the Senate has concurred in the House resolution and will meet the House in joint convention in the Chambers of the House of Representatives, at 1:30 p.m. on January 12, 2006, for the purpose of receiving the Chief Justice's message.

FOLEY
ULMER

PIERCE
VAN HAAFTEN

Report adopted.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1005 — Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education finance and to make an appropriation.

HB 1006 — Noe, Stutzman, Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1028 — Koch

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning firearms and self-defense.

HB 1042 — Torr

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1059 — Heim

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1070 — Noe, Ruppel

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1098 — Frizzell

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1120 — Ruppel

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1176 — Woodruff
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1235 — Ruppel
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1300 — Mahern, Davis
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1301 — Mahern
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1310 — Murphy, Aguilera
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1341 — GiaQuinta
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

HB 1342 — Crouch
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1343 — Hinkle, Walorski
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1344 — Hinkle
Committee on Government and Regulatory Reform
A BILL FOR AN ACT concerning local government.

HB 1345 — Davis
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1346 — Borrer, Bell, GiaQuinta, Thompson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1347 — Messer
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1348 — Koch
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning state administration, human services, and labor.

HB 1349 — Ulmer, Ruppel, Robertson, Denbo
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1350 — Cherry
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1351 — Orentlicher, Bardon
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1352 — Orentlicher
Committee on Public Health
A BILL FOR AN ACT concerning Medicaid.

HB 1353 — Walorski
Committee on Commerce, Economic Development and Small Business
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1354 — J. Lutz
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1355 — Friend, Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1356 — Woodruff, Davis
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1357 — Aguilera
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1358 — Behning
Committee on Commerce, Economic Development and Small Business
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1359 — Tyler
Committee on Employment and Labor
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1360 — Tyler
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1361 — Tyler
Committee on Public Policy and Veterans Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1362 — Buck
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1363 — Wolkins
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1364 — Wolkins
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1365 — Thomas
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

HB 1366 — Thomas
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1367 — Thomas

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1368 — Neese

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1369 — Withdrawn pursuant to House Rule 111**HB 1370** — VanHaaften

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1371 — Bauer

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning housing and to make an appropriation.

HB 1372 — Bauer, Stilwell

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1373 — Bauer

Committee on Commerce, Economic Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1374 — V. Smith

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1375 — V. Smith

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1376 — Noe

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state fiscal administration.

HB 1377 — Lehe

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1378 — Lehe

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1379 — Lehe

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1380 — J. Smith

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1381 — Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1382 — T. Brown

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1383 — Turner, Woodruff, Bright, J. Smith

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1384 — Turner, Thompson

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1385 — Borders

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1386 — Borders

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1387 — Borders

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

HB 1388 — Borders

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1389 — Borders

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1390 — Ripley

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1391 — Ripley

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1392 — Ripley

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1393 — Reske

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1394 — Avery, VanHaaften

Committee on Government and Regulatory Reform

A BILL FOR AN ACT concerning local government.

HB 1395 — Buell, Summers

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1396 — Whetstone

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

HB 1397 — Whetstone

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1398 — Whetstone

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1399 — Whetstone

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1400 — Whetstone

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

HB 1401 — Oxley

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1402 — Oxley, Yount

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1403 — Oxley

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

HB 1404 — Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

HB 1405 — VanHaaften

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1406 — Porter

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1407 — Porter

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1408 — Porter

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1409 — Burton

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning pensions.

HB 1410 — Denbo

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1411 — Grubb, Thomas

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1412 — Grubb, Thomas

Committee on Commerce, Economic Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1413 — Crouch, VanHaaften

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1414 — Austin

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning human and sexual trafficking.

HB 1415 — Mays, Budak

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1416 — Mays

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1417 — Mays, Day

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1418 — Ayres

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1419 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1420 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1421 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1422 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1423 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1424 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1425 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1426 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1427 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1428 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1429 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1430 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1431 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1432 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1433 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1434 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1435 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1436 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1437 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1438 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1439 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1440 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1441 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1442 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1443 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

HJR 4 — Turner, Heim

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION proposing an amendment to Article 1 of the Indiana Constitution concerning property.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1, SECTION 21 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 21. (a) No person's particular services shall be demanded, without just compensation.

(b) No person's property shall be taken by law, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

(c) **The power of eminent domain may be exercised only for the following purposes:**

(1) Public highways, roads, and streets.

(2) Public transportation.

(3) Railways.

(4) Utilities.

(5) Government owned and used buildings.

(6) Public facilities for the general use of government or citizens.

(d) The power of eminent domain may not be used for the purposes of increasing the tax revenue of the state or a political subdivision. The state, a political subdivision, or an instrumentality of the state or of a political subdivision may not transfer real property acquired through the power of eminent domain to a private person for purposes of economic development.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 14**

Representatives V. Smith, Aguilera, C. Brown, Crawford, Dickinson, E. Harris, Mays, Porter, and Summers introduced House Concurrent Resolution 14:

A CONCURRENT RESOLUTION commemorating Martin Luther King, Jr. Day.

Whereas, Dr. Martin Luther King, Jr. was one of our nation's truly great leaders;

Whereas, Dr. Martin Luther King, Jr. had many dreams: of an America where "justice rolls down like waters and righteousness like a mighty stream"; of an America where neighbors look "beyond the external accidents and discern those inner qualities that make all men human and, therefore, brothers"; of a time when "this nation will rise up and live out the true meaning of its creed, "we hold these truths to be self evident: that all men are created equal";

Whereas, Dr. Martin Luther King, Jr. had a dream for a better society—a dream where "the sons of former slaves and the sons of former slave owners will be able to sit together at the table of brotherhood";

Whereas, The visions of Dr. Martin Luther King, Jr. continue to bring hope and inspiration to people of all nations;

Whereas, All Americans must continue to gather inspiration from the life of Dr. Martin Luther King, Jr. and strive to realize his dreams: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That it is fitting and proper that Dr. Martin Luther King, Jr. be remembered and recognized by future generations of Americans.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers, S. Smith, Howard, and Breaux.

The House recessed until the fall of the gavel.

RECESS**JOINT CONVENTION**

The members of the 114th General Assembly, meeting in Joint Convention, were called to order at 2:00 p.m. by the President Pro Tempore, Senator Robert D. Garton.

The Speaker introduced the honored guests as follows: Governor Mitch Daniels; Lieutenant Governor Becky Skillman; President Pro Tempore Garton; Justices of the Supreme Court, judges of the Indiana Court of Appeals, and the judge of the Tax Court; Chief Judge of the Indiana Court of Appeals James S. Kirsch; Amy MacDonell, wife of Chief Justice Shepard; Mattie Shepard, daughter of Chief Justice Shepard; Jan Dickson, wife of Justice Brent Dickson; Mary Kay Orr, wife of the late Governor Robert D. Orr; Secretary of State Todd Rokita; Auditor of State Connie Nass; Treasurer of State Tim Berry;

Clerk of the Supreme and Appellate Courts David Lewis; Attorney General Steve Carter; Indiana State Bar Association President Jim Riley, Jr.; Indiana State Bar Association President-elect Richard Eynon; Indianapolis Bar Association President John Kautzman; Executive Director of the Indiana State Bar Association Tom Pyrz; President of the Marion County Bar Association A. Y. Adewopo; James Young, member of the Indiana Judicial Qualifications Commission; and former Chief Justice Richard M. Givan.

The Speaker yielded the gavel to Lieutenant Governor Becky Skillman, President of the Senate, who convened the joint session and presented the Chief Justice as follows:

"Members of the Joint Assembly: Pursuant to Section 3 of Article 7 of the Constitution of the State of Indiana, this joint session of the two houses of the Indiana General Assembly is now convened for the purpose of hearing a message from the Chief Justice of the Supreme Court of the State of Indiana.

It is my privilege to present to you the distinguished Chief Justice of the Supreme Court, the Honorable Randall T. Shepard."

Chief Justice Shepard was escorted to the rostrum by Representatives Foley, Ulmer, Pierce, and VanHaaften and Senators Bray, Lubbers, Lanane, and Sipes.

"Indiana's Place in American Court Reform: Rarely First, Occasionally Last, Frequently Early"

"Governor Daniels and Members of the General Assembly:

In reporting to you about the state of Indiana's judiciary, I often relate challenges and changes from the months just past. Today, I want to speak about a bigger picture, about where Indiana courts stand in the larger story of reinventing America's courts. Where does Indiana fit in this broad effort at reform, and what do we contribute to it?

Areas of National Reform

Let me begin by mentioning areas in which the nation's state courts face the greatest challenges.

Globalization. Justice John Paul Stevens gave a speech recently in Indianapolis about the effects of a globalizing world economy on the American court system and on the American legal profession. When an American employer strikes a commercial deal with a business partner in Asia or Europe, both parties need to understand how their own domestic law and customary international law will affect the transaction. Likewise, lawyers for the American company and lawyers for the company overseas need to help facilitate that transaction by plying their trade far away from the place where they are licensed. America's state courts, as regulators of the bar, are actively examining how to support those arrangements, so important to our domestic economy.

The legal profession is likewise engaged in a massive effort to help new democracies like—those in Kosovo, Ukraine, Iraq, and Afghanistan—establish the rule of law, believing as most Americans do that a world with more democratic states possessing stable legal systems will be a safer place.

And, of course, globalization shows up in every state's back yard in the form of immigrants for whom English is not the first language. State courts are active in devising ways to assure such people access to justice. Many people with language issues are too poor to even hire lawyers let alone interpreters, and finding new ways to provide legal help to them and to other low-income Americans is a national priority.

Families. Thousands of American judges spend every day asking themselves, "What can we do to strengthen American families and improve the lives of children?" Last year saw the release of a landmark report by a national commission that examined how government can do better for abused and neglected children. And so, in October there was a remarkable national summit of leaders in state courts and child protection agencies gathered to develop action plans to make that happen.

Ethics in Government. Judges and lawyers are in the middle of a major national effort to revise the rules of ethics that apply to courts

so that we can assure our fellow citizens that fidelity to high standards is part of their judiciary. The scandal in Congressional lobbying makes this need become ever more apparent.

Correction, Guilt, and Innocence. The growing number of people in American jails and prisons compels a search for an effective, less expensive, means of dealing with offenders and deterring repeaters. The latest inventive projects with this aim focus on courts as institutions that help solve problems rather than as places that simply try cases. Judges and others have devised what are called "problem-solving courts": drug courts, neighborhood courts, mental health courts, and re-entry courts, to name a few.

New Age and New Law. At least since deTocqueville's tour of nineteenth century America, the country's courtrooms have been places where the changes in American society show up quickly, presenting brand new legal questions: "What is privacy in the electronic age?" or "What do civil rights mean in the war on terror?" to name but two examples.

Jury Reform. At the heart of American justice stands the right to a trial by jury. There is a national movement, based in the state courts, to improve the selection of jurors, to give jurors better tools to do their work, and to help them understand the laws they should apply.

Reform Starts at Home

In thinking about how Indiana connects to these major national initiatives, I've come around to a description that fits Indiana's position on the question of law reform, not just today, but through much of its history:

Rarely first, occasionally last, and frequently early.

There are examples that demonstrate this description from our history and from modern times. In 2003, for example, we celebrated the 100th anniversary of Indiana's first juvenile court, the third juvenile court in America, way ahead of everybody. In the 1970's, Indiana was the third state whose legislature adopted determinate sentencing, the regime under which most of the country has now operated for about a quarter century. In the 1980's, Indiana was the second state to adopt standards for the qualifications and compensation of lawyers who represent defendants in capital cases. In the 1990's, we were the sixth or seventh state to launch a project on jury reform. Rarely first, occasionally last, frequently early.

Indiana Is Connected to Every Effort at American Court Reform

So, what has Indiana been doing on the leading national priorities I described?

Globalization. Indiana courts have been front-line participants in devising lawyer rules to facilitate national and international commerce, first to adopt the uniform rule admitting foreign lawyers to reside here and advise on the law of their home country. Indiana has sent judges and prosecutors overseas, to places like Kosovo, Iraq, and Afghanistan, to assist in devising new constitutions and laws, and court rules. (And, since charity begins at home, we also sent people to the Gulf Coast to help rebuild courts and communities after Hurricane Katrina.) And, Indiana has become a place foreign judges want to visit. Most recently we hosted a delegation from Russia and one from Ukraine.

Families. You voted last year to require the appointment of a guardian or child advocate in every case in which a child has been abused or neglected. On this topic, Indiana has been both last and first. We were the last state to enact this comprehensive requirement—but as far as building a corps of people to speak for the abused child in court, last year there were more than 2,000 adult volunteers who worked with more than 16,000 Indiana children. Indiana has more local programs to recruit and train volunteers to represent the best interest of children than any other state.

Ethics. The national re-examination of the ethics rules for judges I mentioned is being led by the American Bar Association. I have been invited to serve as a standing adviser to the ABA's commission, but more importantly, the ABA has recruited two Hoosiers to do the heaviest intellectual lifting as reporters for the commission: Professor Charles Geyh of the law school at Bloomington and Professor

Emeritus William Hodes of the law school at Indianapolis.

A close corollary of ethics reform is working to make government more accessible, more "transparent" as the current saying goes. Indiana has developed an award-winning project for public information and education about its courts. We do this in lots of different media, from printed materials to live lectures to public displays. And, of course, the Internet. On one day last September, more than 19,000 people visited our website.

Corrections and Problem-Solving. A drug court is not really a separate court but a court procedure under which the prosecutor and defense counsel consent to permit a defendant to avoid prison only if they comply with a tight set of treatment requirements and extremely close monitoring directly by the judge. Something like 35 percent of the people sent to drug courts would otherwise be holding down DOC beds, and the number of drug courts in Indiana is rising steadily. You passed legislation last year to strengthen this movement. The executive director of the national organization for drug court professionals is former judge and Attorney General Karen Freeman-Wilson of Gary.

Similar problem-solving techniques are applied in "re-entry courts." As DOC Commissioner J. David Donahue says, "We can't expect much when we push an offender out the prison door with \$75 and a set of clothes." Re-entry courts mean we can expect more. The nation's leading re-entry court is in Fort Wayne, Indiana, under the leadership of Judge John Surbeck.

New Age Law. On issues like privacy and consumer protection in the electronic age, any list of America's top ten legal scholars would include Professor Fred Cate of Bloomington. Professor Cate is one of the jewels of Indiana's legal community, and he helps the profession and the courts in a host of ways. These include advising our effort under the leadership of Justice Brent Dickson to devise new practices for improving public access to court records without making life easy for identity thieves or domestic abusers.

Legal Help for the Poor. Many states have long used a system to gather otherwise uncollected interest from lawyer trust accounts as a way of helping people who need legal assistance. Indiana was the last state to implement such a system. But we were the first state to commit that resource to building a network of volunteer lawyers to assist low-income people. Last year Indiana attorneys contributed over 20,000 hours of time to indigent Hoosiers through this unique network.

Jury Reform. You know that we have made many improvements in how Indiana juries do their work, but I want to report on the newest one, effective just days ago. At the end of last year, we distributed to county clerks the best list of potential jurors ever devised. Justice Ted Boehm led an effort with assistance from the Bureau of Motor Vehicles, the Department of Revenue, Purdue University, and local court personnel that in the end produced a disc for each county containing non-duplicated, up-to-date names and addresses for use in mailing jury summons. We estimate that it includes 99 percent of the people living in Indiana who are eligible for jury service.

Why does that matter? For one thing, it will save a lot of money. In some counties, 40 percent of the jury notices come back as undeliverable.

But, there's a more important reason it matters. Americans treasure the idea that we are entitled to a "jury of our peers" but the fact is that many jury lists leave out lots of people, especially low-income people and minorities. This new initiative, a product of our Judicial Technology and Automation Committee, has produced the most inclusive list of possible jurors ever. The people summoned for jury duty now will be the most representative array of citizens in all the time since King John signed the Magna Carta in 1214. The country's leading experts in jury reform made this Indiana development the lead story in their national electronic newsletter under the headline "List Heaven."

Indiana Supplies Leaders

Having listed some of the ways Indiana connects to the leading court issues of the day, I suggest that Indiana contributes to national reform in two ways: we provide leaders, and we export new ideas.

First, in a host of settings, Indiana provides leaders for the national judiciary and the legal profession.

I recently made a business call to a judge in Seattle named Eileen Kato; she was national chair of the American Bar Association Conference of Specialized Court Judges. She said, "I know two of your colleagues." "Who?" Her successor as leader of this legion of judges is Judge Michael Witte of Lawrenceburg, Indiana. And she knew Frank Sullivan. "Justice Sullivan's been our leader," she said, "on a project to help more minority law school graduates get appellate court clerkships."

Judge Lorenzo Arredondo of Lake County has been director of the American Judicature Society, the country's leading group on judicial selection and ethics, and Judge John Baker of the Court of Appeals has served on the committee that devises education for appellate judges. Justice Sullivan now guides the ABA Appellate Judges Conference. Former Justice Myra Selby, now helping us on race and gender issues, earlier served on the body that accredits and therefore shapes America's 180 law schools.

Judges Margret Robb and Pat Riley of the Court of Appeals are recognized leaders in the National Association of Women Judges (and last year brought their annual meeting to Indianapolis). Judge Jim Payne, if he weren't now part of the Daniels Administration, would instead be today president of the National Council of Juvenile and Family Court Judges. Don Lundberg, who runs the Supreme Court's Disciplinary Commission, presently serves as treasurer of the National Association of Bar Counsel, the country's organization of lawyer disciplinary agencies. And not far from the judicial circle, it is an honor for our state that the fifty state attorneys general have chosen Attorney General Steve Carter as their president.

Indiana's contribution of national leaders goes well beyond judges and lawyers. Cathy Springer, the director of education at the Indiana Judicial Center, has lately become a member of the faculty and a member of the oversight committee for the number one place in America where people work on how to improve the continuing legal education of judges, the University of Memphis. Anne Davidson, assistant director of the Indiana Continuing Legal Education Commission, was recently president of the national association of organizations that oversee CLE for lawyers, a group called ORACLE. And, Cheri Harris of Indiana has recently become the executive director of ORACLE. (And indeed, we brought the offices of ORACLE here to Indiana.)

And the Judicial Family Institute, which helps spouses and children of judges navigate through judicial waters, was conceived and created by Justice Dickson's spouse, Jan Dickson, now widely regarded as having done more to help judicial families than any other single person in the country.

As you might expect, the people I've just mentioned, and others, fit under the old saying, "If you want something done, ask a busy person to do it." They are people who contribute more than most folks during their day jobs and somehow manage to provide leadership above and beyond, both here and elsewhere.

Indiana Exports Ideas

Second, and at least as important, Indiana is an exporter of ideas about better courts.

I will start with an example that even many judges in our state don't know about. There are two places in Indiana where we try most "mass tort" cases, litigation like asbestos claims. They are presided over by Judge Jeff Dywan in Lake County and Judge Ken Johnson in Marion County. When I spoke to a recent conference at the University of Chicago, the first judge I ran into said, "How's Ken Johnson? I wish we could use his system here in New Jersey." Judge Johnson has developed a case management system for mass torts that is the envy of other judges elsewhere. Why do you need a special system? There was one five-day period when Judge Johnson received 16,000 filings.

Indiana's pro bono plan, by which thousands of Hoosier lawyers volunteer their time to assist low-income people in need of legal assistance has been emulated by multiple states around the country.

On the problem of language, last year we certified the first interpreters qualified to translate formal courtroom testimony. We also need people in the county courthouses who can on a day-to-day basis communicate with persons who walk into the courthouse speaking mostly Spanish. So, last fall we completed a pilot program in Terre Haute, partnering with Ivy Tech, to train local court personnel in Spanish. Next month, we will launch it state-wide basis.

Most recent immigrants are people who speak Spanish, but we have people who appear in local courts speaking everything from Mandarin to Urdu. We're experimenting with a system designed for those situations called "Language Line," and so far we've used it to assist with people who spoke French, Somalian, Russian, Mongolian, Yeman, and Mextaco (a Mexican regional dialect). Last month, for example, Judge James Jarrette in Kosciusko County, had a defendant who spoke only Korean. He called our Division of State Court Administration and was quickly connected by telephone with a skilled interpreter who spoke Korean, so that people in the courtroom could understand her and she could understand them and the court could resolve the case based on full communication by all.

Quite aside from structural reform, Indiana has been a giver of useful caselaw. When I became Chief Justice, I said, "We want to be a court so well-regarded that judges in other states, when considering the toughest legal issues of our time, will be led to look at each other and ask, 'I wonder what Indiana has done about this.'"

Every few weeks, thousands of American lawyers receive the Supreme Court Reporter, the latest cases of the U.S. Supreme Court. The editors of this publication search the country for decisions from other courts that they think lawyers in America would want to know about and they feature these as "Judicial Highlights." In one six-month period last year, ten of those were Indiana cases—representing issues from the death penalty to criminal sentencing to family law and consumer protection. It is a number far out of proportion to our state's size and judicial output. This level of national recognition reflects the good job our appellate courts do, but it also reflects splendid work by Indiana lawyers and trial judges who skillfully litigate these cases long before the appeals reach this building. I've always wanted to work in a place where common sense and first-rate legal thinking were the order of the day. And I do.

Thanks for Your Confidence

It has always seemed to me that our state's bench ought to have its feet firmly planted on Indiana soil, but its eyes fixed on the horizon. It should be one that cares about individual cases, big and small. And always has in its heart what we can do together, tomorrow, to be better servants than we are today.

That's more true this afternoon than it was a year ago, and Judge Diane Schneider of Lake County best articulated a central reason why. Speaking to a roomful of judges, she said: "A perpetual cloud hung over us year after year, a cloud labeled 'compensation.' That cloud finally has been lifted. This is a time when we should move ahead to better things." She was confirming the response of the state's judges and prosecutors to your action in adjusting salaries during the last session. I stand for the proposition that it will be in Indiana's best interests to make similar adjustments in the other two branches of government.

As for the judiciary, I stand with Judge Schneider in believing that this is a moment when the judiciary must strive to do better than ever at helping Indiana be a safer, prosperous, and decent place to live. I promise you that's what will happen."

The President of the Senate adjourned the joint convention.

The House reconvened at 2:45 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 17 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 17

The Speaker handed down Senate Concurrent Resolution 17, sponsored by Representatives Budak and Mays:

A CONCURRENT RESOLUTION recognizing Barbara Levy Tobey for her dedication to promoting community awareness and developing programs pertaining to numerous women's health issues.

Whereas, In 1998, Barbara Levy Tobey assumed the responsibilities of organizing and directing the newly-formed Office of Women's Health at the Indiana State Department of Health;

Whereas, Since its inception into law by legislative action in 1999, Barbara has served as the Director of the Office of Women's Health;

Whereas, While working to address many areas of women's health issues, Barbara has been particularly focused on issues affecting underserved women;

Whereas, During her tenure as director, the Office of Women's Health has developed and implemented a mini-grant initiative which provides funding for women's health programming statewide. In addition, the office has created women's health programs concerned with cardiovascular disease, osteoporosis, girls' health, physical activity and obesity;

Whereas, Additional initiatives of the Women's Health Division include Heart Truth/WomenHeart, a cardiovascular disease awareness campaign, and an osteoporosis division which provides free bone mineral density screenings to women throughout the state; and

Whereas, Under Barbara's guidance, the Women's Health Division has also published two documents titled, Indiana Takes Action for Women's Health 1999 and Women Count in Indiana: County Data Book 2001. In 2005, Barbara also oversaw the development of an osteoporosis prevention initiative called "Jump Kids Jump!"; Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Barbara Levy Tobey for her service to the State of Indiana as Director of the Women's Health Division of the Indiana Department of Health and expresses gratitude for her dedication to developing programs to address numerous women's health issues.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Barbara Levy Tobey.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as coauthor of House Bill 1008.

BORROR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bosma be added as coauthor of House Bill 1009.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Grubb and Noe be added as coauthors of House Bill 1036.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pond, Bell, and Kuzman be added as coauthors of House Bill 1038.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1047.

BELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Thomas, Grubb, and Ruppel be added as coauthors of House Bill 1086.

BUCK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tincher be added as coauthor of House Bill 1101.

WALORSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Saunders and Goodin be added as coauthors of House Bill 1103.

YOUNT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1109.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Denbo be added as coauthor of House Bill 1111.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Koch, Budak, and Pond be added as coauthors of House Bill 1118.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Behning, Woodruff, and J. Smith be added as coauthors of House Bill 1127.

DAVIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Davis and Reske be added as coauthors of House Bill 1140.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heim and Reske be added as coauthors of House Bill 1143.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as coauthor of House Bill 1150.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bell, Reske, and Moses be added as coauthors of House Bill 1212.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as coauthor of House Bill 1250.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1304.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Koch, Grubb, and Oxley be added as coauthors of House Bill 1366.

THOMAS

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Bischoff, the House adjourned at 2:50 p.m., this twelfth day of January, 2006, until Tuesday, January 17, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives